

THIRTY-FOURTH DAY, FEBRUARY 11, 2006

2006 REGULAR SESSION

**THIRTY-FOURTH DAY****MORNING SESSION**

Senate Chamber, Olympia, Saturday, February 11, 2006

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception Senators Benton, Brandland, Deccio, Finkbeiner, Hargrove, Pflug, Roach and Thibaudeau.

The Sergeant at Arms Color Guard consisting of Pages Delia Orosco and Maria Orosco, presented the Colors. Senator Morton offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING**

SB 6894 by Senators Jacobsen, Honeyford, Sheldon, Weinstein and Berkey

AN ACT Relating to gambling commission background checks; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6895 by Senator Benton

AN ACT Relating to unemployment insurance exemptions for religious organizations; and adding a new section to chapter 50.44 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SJM 8041 by Senators Roach, Rasmussen, McCaslin, Kastama, Honeyford, Zarelli, Stevens, Jacobsen, Sheldon, Hargrove, Morton, Mulliken, Benson, Finkbeiner, Parlette, Pflug, Benton, Schoesler, Schmidt and Hewitt

Requesting that Congress pass the Right-to-Ride Livestock on Federal Land Act of 2005.

Referred to Committee on Natural Resources, Ocean & Recreation.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

ESHB 1010 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Morrell, Linville, B. Sullivan, McCoy and Chase)

AN ACT Relating to energy efficiency and renewable energy; and adding a new chapter to Title 19 RCW.

Referred to Committee on Water, Energy & Environment.

E3SHB 1484 by House Committee on Finance (originally sponsored by Representatives Hunter, Jarrett, Haigh, Tom, McDermott, McIntire, Simpson, P. Sullivan, Kagi and Chase)

AN ACT Relating to county property tax levies for school purposes; amending RCW 29A.36.210, 84.52.043, and 84.55.005; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 1986 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Roberts, Buri, Kenney, Cox and Morrell)

AN ACT Relating to reviewing and prioritizing tuition waivers; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2395 by House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Williams, Hasegawa, Darneille, Morrell, Roberts, Kagi, Flannigan, B. Sullivan and Miloscia)

AN ACT Relating to protocols for addressing the impact of domestic violence on children; amending RCW 26.44.020; adding new sections to chapter 26.44 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SHB 2414 by House Committee on Education (originally sponsored by Representatives Haler, Talcott and McCune)

AN ACT Relating to local control of student assessments in grades three, five, six, and eight to meet federal requirements for Washington's academic assessment system; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2423 by House Committee on Education (originally sponsored by Representatives Anderson, Talcott, Rodne and Hunter)

AN ACT Relating to creating a comprehensive guidance, counseling, and planning program in schools; adding a new section to chapter 28A.600 RCW; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 2465 by Representatives Lovick, Kessler, P. Sullivan, Haler and O'Brien

AN ACT Relating to vehicle equipment standards related to original equipment installed; and amending RCW 46.37.010, 46.37.070, and 46.37.200.

Referred to Committee on Transportation.

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HB 2466 by Representatives Lovick, McCoy, Conway, Haler, Sells, Morris, Dunshee, Ericks, Morrell, O'Brien and Green

AN ACT Relating to providing excise tax relief for aerospace businesses; amending RCW 82.04.250, 82.32.590, 82.32.600, and 82.04.4463; reenacting and amending RCW 82.32.330; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on International Trade & Economic Development.

E2SHB 2489 by House Committee on Appropriations (originally sponsored by Representatives Hunter, Jarrett, P. Sullivan, Springer, Morrell, Tom, Simpson, Miloscia, O'Brien, Roberts and Green)

AN ACT Relating to providing assistance to students who are not on track to graduate from high school on time; amending RCW 28A.230.195, 28A.655.061, 28A.655.070, and 28A.655.200; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28A.300 RCW; recodifying RCW 28A.230.195; and declaring an emergency.

Referred to Committee on Early Learning, K-12 & Higher Education.

ESHB 2507 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Kenney, Shabro, Hasegawa, Morrell, Rodne, Lantz and Ormsby)

AN ACT Relating to degree-granting institutions of higher education; amending RCW 28B.85.010, 28B.85.020, and 28B.85.040; adding a new section to chapter 28B.85 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

E2SHB 2582 by House Committee on Appropriations (originally sponsored by Representatives Upthegrove, Hunter, Appleton, Hasegawa, Quall, Clibborn, Simpson, Green, Ormsby, Kenney, Hudgins and Kagi)

AN ACT Relating to high school completion programs; amending RCW 28B.50.535, 28A.230.120, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

2SHB 2583 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Conway, Hasegawa, Roberts, Appleton, Upthegrove, Morrell, Linville, Hunt, Dickerson and Ormsby)

AN ACT Relating to community and technical college part-time academic employee health care benefits; adding a new section to chapter 41.05 RCW; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

2SHB 2595 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Hasegawa, Hankins, Roberts, McIntire, Fromhold, Kilmer, Morrell, Rodne, Santos, Clibborn, Ormsby, O'Brien, Jarrett, Walsh, Conway, Wood, Kessler, Linville, Kagi, Appleton, Green, McCoy, Blake, Lantz, Sells, Campbell, P. Sullivan, Simpson, Schual-Berke, McDonald, Haigh, Dickerson, Moeller, Springer and Wallace)

AN ACT Relating to academic employee salary increments for community and technical colleges; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2597 by Representatives Kenney, Cox, Sells, Hasegawa, Fromhold, Rodne, McCoy, Jarrett, Morrell, Conway, Ormsby and Clibborn

AN ACT Relating to private vocational school programs; amending RCW 28C.10.020, 28C.10.050, and 28C.10.120; adding a new section to chapter 28C.10 RCW; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

E2SHB 2630 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Kessler, Priest, Conway, Hunter, Buri, Fromhold, Sells, Grant, Ormsby, Quall, Haigh, Clements, Roberts, Upthegrove, McDermott, Hasegawa, Santos, Flannigan, Appleton, Rodne, Clibborn, Simpson, Linville, Kagi, Dickerson, P. Sullivan, Morrell, Moeller, Ericks and Kilmer)

AN ACT Relating to postsecondary education, including creating the opportunity grant program; adding new sections to chapter 28B.50 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2733 by House Committee on Education (originally sponsored by Representatives P. Sullivan, Simpson, Haler, McCoy, Schual-Berke, Curtis, Green and Morrell)

AN ACT Relating to information on high school transcripts; and amending RCW 28A.305.220 and 28A.655.061.

Referred to Committee on Early Learning, K-12 & Higher Education.

E2SHB 2785 by House Committee on Appropriations (originally sponsored by Representatives Quall, Tom, P. Sullivan, Hunter, Morrell, Nixon, Rodne, Roberts, Schual-Berke, Simpson, Springer, Sells, Lantz, Linville, Dunshee and Kagi)

AN ACT Relating to authorizing alternative methods of assessment and appeal processes for the certificate of academic achievement; amending RCW 28A.655.061;

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adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28C.04 RCW; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

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2SHB 2789 by House Committee on Appropriations (originally sponsored by Representatives Quall, Conway, Wood, Hasegawa, Haigh, Ormsby, Murray, Chase, Kessler, Morrell, Green, Roberts, McCoy, Moeller, Simpson, Sells, Lantz, McDermott, Ericks, Hankins, Kagi and Hudgins)

2SHB 2964 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Talcott, Walsh, Quall, Haler, Shabro, Fromhold, Kessler, Hunt, Appleton, Lantz, Darneille, Kenney, Chase, Hasegawa, Sells, Roberts, Hunter, Moeller, McCoy, Santos, Green and Simpson)

AN ACT Relating to expanding opportunities for graduating secondary school students to enter apprenticeships; amending RCW 28B.15.067; adding new sections to chapter 49.04 RCW; adding a new section to chapter 28C.04 RCW; and providing an expiration date.

AN ACT Relating to a department of early learning; amending RCW 43.17.010, 42.17.2401, 41.04.385, 74.13.085, 74.13.0902, 74.13.0903, 74.13.098, 74.13.099, 74.15.350, 74.12.340, 74.08A.340, 28A.215.110, 28A.215.120, 43.63A.066, 74.15.030, 74.15.100, and 74.15.130; reenacting and amending RCW 43.17.020 and 74.15.020; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 74.13.097, 74.13.098, 74.13.099, 74.15.063, 74.15.310, 74.15.320, 74.15.330, 74.15.340, 74.15.350, 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, 28A.215.900, 28A.215.904, 28A.215.906, and 28A.215.908; prescribing penalties; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

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SHB 2812 by House Committee on Appropriations (originally sponsored by Representatives Hunter, Rodne, Quall, Nixon, P. Sullivan, Jarrett, Clibborn, Tom, Morrell, Fromhold, Roberts, Schual-Berke, Simpson, Anderson and Kagi)

AN ACT Relating to school district levies; amending RCW 84.52.0531; and amending 2004 c 21 s 3 (uncodified).

SHB 2973 by House Committee on Education (originally sponsored by Representatives Priest, Ormsby, Kenney, Kagi, Hasegawa, P. Sullivan, Moeller, Santos and Springer)

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 2817 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Sells, McCoy, Strow, Dunshee, Lovick, Jarrett, Morris, Ormsby, Morrell, Haler, O'Brien, Fromhold, Ericks, Kilmer and B. Sullivan)

AN ACT Relating to creating a career and technical high school graduation option for students meeting state standards in fundamental academic content areas; amending RCW 28A.230.090, 28A.230.100, and 28A.225.290; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28C.04 RCW; and creating a new section.

AN ACT Relating to establishing a state priority and state objectives for access, enrollment, delivery, and degree achievements in the fields of engineering, technology, biotechnology, science, computer science, and mathematics in higher education; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Early Learning, K-12 & Higher Education.

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SHB 2976 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Hasegawa, Linville, P. Sullivan, Quall, Kenney and Conway)

AN ACT Relating to implementing a collective bargaining agreement with Western Washington University; amending 2005 c 518 s 963 (uncodified); and declaring an emergency.

SHB 2836 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Kagi, Green and Kilmer)

Referred to Committee on Ways & Means.

AN ACT Relating to funding for reading achievement; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 43.79 RCW.

SHB 2985 by House Committee on Children & Family Services (originally sponsored by Representatives Schual-Berke, Clibborn, Appleton, Moeller, Green, Cody, Morrell, Walsh, McIntire, Kagi, Kenney, Hasegawa and Simpson)

Referred to Committee on Ways & Means.

AN ACT Relating to creating a foster care health unit in the department of social and health services; amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; and creating a new section.

SHB 2867 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Haler, Grant, Hankins, Cox, Sells, Roberts, Fromhold, Armstrong, Walsh, Skinner and Newhouse)

Referred to Committee on Human Services & Corrections.

AN ACT Relating to expanding access to baccalaureate degree programs at Washington State University Tri-Cities; and amending RCW 28B.45.030.

SHB 2989 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives

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Kenney, Cox, Sells, Chase, Ericks, Hasegawa, Takko, Haler, Rodne, Hunter, Quall, McCoy, Santos, Green, Schual-Berke, Springer, Dickerson, Simpson and Hudgins)

AN ACT Relating to establishing the Washington teach math-science program to increase the number and enhance the preparation of secondary school mathematics and science teachers; amending RCW 28B.102.040, 28B.102.060, and 28A.660.050; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.76 RCW; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

ESHB 2998 by House Committee on Education (originally sponsored by Representatives P. Sullivan, Simpson, Santos, McCoy, Chase, Morrell, B. Sullivan, Hasegawa, Kenney and Green)

AN ACT Relating to the high school assessment system; and creating new sections.

Referred to Committee on Early Learning, K-12 & Higher Education.

HB 3028 by Representatives P. Sullivan, Cox, Quall, Hunt, Buri, Pearson, Ormsby, Fromhold, Anderson, Chase, Kessler, Lantz, Simpson, Sells, Appleton, Talcott, Green, Conway, Rodne, Woods, Morrell, Kilmer, B. Sullivan, Santos, Hasegawa, Kenney and Hudgins

AN ACT Relating to classified school employees; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 3087 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Ormsby, Sells, Kenney, Cox, Buri, Fromhold, Hasegawa, Morrell, McCoy, Upthegrove, Ericks, Darneille, Rodne, Chase, Conway, Kessler, Dunn, Green and Lantz)

AN ACT Relating to cost savings on course materials for students at state universities, regional universities, and The Evergreen State College; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

E2SHB 3098 by House Committee on Capital Budget (originally sponsored by Representatives McDermott, Talcott and Quall)

AN ACT Relating to transferring duties of the reconstituted state board of education; amending RCW 28A.305.130, 28A.305.035, 28A.300.040, 28A.305.011, 28A.150.230, 28A.505.140, 28A.525.020, 28A.525.030, 28A.525.050, 28A.525.055, 28A.525.070, 28A.525.080, 28A.525.090, 28A.525.162, 28A.525.164, 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.190, 28A.525.200, 28A.525.216, 28A.150.260, 28A.335.160, 28A.540.050, 28A.150.530, 28A.335.210, 28A.335.230, 28A.540.070, 28A.305.220, 28A.230.100, 28A.230.170, 28A.305.170,

28A.230.130, 28A.205.010, 28A.215.010, 28A.215.020, 28A.205.040, 28A.215.140, 28A.230.020, 28A.230.040, 28A.230.050, 28A.315.175, 28A.315.195, 28A.315.205, 28A.315.015, 28A.315.025, 28A.315.055, 28A.315.085, 28A.315.125, 28A.315.185, 28A.305.210, 28A.310.080, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.090, 28A.310.100, 28A.310.140, 28A.310.150, 28A.310.200, 28A.310.310, 28A.323.020, 28A.323.040, 28A.305.160, 28A.150.300, 28A.225.160, 28A.300.150, 28A.600.020, 28A.600.030, 28A.625.360, 28A.225.330, 28A.405.110, 28A.415.010, 28A.415.020, 28A.415.024, 28A.415.025, 28A.415.105, 28A.415.125, 28A.415.130, 28A.415.145, 28A.660.040, 28A.690.020, 28A.300.050, 28A.625.370, 28A.625.380, 28A.625.390, 28A.600.010, 28A.225.280, 28A.600.200, 28A.160.210, 28A.160.100, 28A.210.070, 28A.210.160, 28A.335.100, 28A.335.120, 28A.320.240, 28A.155.060, 28A.600.130, and 28A.650.015; reenacting and amending RCW 28A.330.100 and 28A.630.400; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.405 RCW; creating new sections; recodifying RCW 28A.305.220, 28A.305.170, and 28A.305.160; decodifying RCW 28A.525.120, 28A.525.122, 28A.525.124, 28A.525.126, 28A.525.128, 28A.525.130, 28A.525.132, 28A.525.134, 28A.525.140, 28A.525.142, 28A.525.144, 28A.525.146, 28A.525.148, 28A.525.150, 28A.525.152, 28A.525.154, 28A.525.156, 28A.525.158, 28A.525.160, and 28A.525.182; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning, K-12 & Higher Education.

SHB 3113 by House Committee on Higher Education & Workforce Education (originally sponsored by Representatives Sells, Kenney, Strow, McCoy, Haler, Dunshee, B. Sullivan, Lovick, Roberts and Hasegawa)

AN ACT Relating to expanding access to higher education in north Snohomish, Island, and Skagit counties using the university center model; creating new sections; and providing an effective date.

Referred to Committee on Early Learning, K-12 & Higher Education.

2SHB 3115 by House Committee on Appropriations (originally sponsored by Representatives Darneille, Talcott, Morrell, Green, McDonald, Ormsby, Simpson and Roberts)

AN ACT Relating to establishing a foster parent critical support and retention program; and creating new sections.

Referred to Committee on Human Services & Corrections.

HB 3139 by Representatives Pettigrew, Haler, Dickerson, Kagi, Dunn, Walsh, Darneille, Roberts, Hinkle, Morrell and Kenney

AN ACT Relating to kinship caregivers' consent for mental health care of minors; and amending RCW 7.70.065, 71.34.020, 71.34.500, and 71.34.530.

Referred to Committee on Human Services & Corrections.

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SHB 3182 by House Committee on Children & Family Services (originally sponsored by Representatives Pettigrew and Santos)

AN ACT Relating to tribal foster care licensing; amending RCW 74.15.190; and reenacting and amending RCW 74.15.020.

Referred to Committee on Human Services & Corrections.

HB 3215 by Representatives Cox, Newhouse, Ormsby and Kenney

AN ACT Relating to teacher retention in rural school districts; and creating a new section.

Referred to Committee on Early Learning, K-12 & Higher Education.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### MOTION

On motion of Senator McCaslin, Senator Morton was excused.

#### MOTION

On motion of Senator Schoesler, Senators Swecker, Honeyford, Roach, Finkbeiner, Benton, Pflug, Brandland and Deccio were excused.

#### SECOND READING

SENATE BILL NO. 6225, by Senators Rasmussen, Honeyford, Haugen, Morton, Hewitt, Rockefeller, Pflug, Parlette, Shin and Oke

Regulating the installation, repair, and maintenance of domestic well water systems. Revised for 1st Substitute: Regulating the business of installing, repairing, and maintaining domestic water pumping systems.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6225 was substituted for Senate Bill No. 6225 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Parlette, Rasmussen and Honeyford spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senators Hargrove, Jacobsen and Thibaudeau were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6225.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6225 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 41

Excused: Senators Benton, Brandland, Deccio, Finkbeiner, Hargrove, Pflug, Roach and Thibaudeau - 8

SUBSTITUTE SENATE BILL NO. 6225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6244, by Senators Rockefeller, Morton, Poulsen, Fairley, Kline, Shin, Kohl-Welles and Spanel

Changing provisions relating to oil spill prevention, preparedness, and response.

#### MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 6244 was substituted for Senate Bill No. 6244 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Rockefeller moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 88.46 RCW to read as follows:

(1) The department's rules authorized under RCW 88.46.160 and this section shall be scaled to the risk posed to people and to the environment, and be categorized by type of transfer, volume of oil, frequency of transfers, and such other risk factors as identified by the department.

(2) The rules may require prior notice be provided before an oil transfer, regulated under this chapter, occurs in situations defined by the department as posing a higher risk. The notice may include the time, location, and volume of the oil transfer. The rules may not require prior notice when marine fuel outlets are transferring less than three thousand gallons of oil in a single transaction to a ship that is not a covered vessel and the transfers are scheduled less than four hours in advance. However, this section shall not be construed to prevent the department from requiring prior notice on a case-by-case basis when elevated risks have been documented.

(3) The department may require semiannual reporting of volumes of oil transferred to ships by a marine fuel outlet.

(4) The rules may require additional measures to be taken in conjunction with the deployment of containment equipment or with the alternatives to deploying containment equipment. However, these measures must be scaled appropriately to the risks posed by the oil transfer.

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(5) The rules shall include regulations to enhance the safety of oil transfers over water originating from vehicles transporting oil over private roads or highways of the state.

**NEW SECTION. Sec. 2.** A new section is added to chapter 88.46 RCW to read as follows:

In addition to other inspection authority provided for in this chapter and chapter 90.56 RCW, the department may conduct inspections of oil transfer operations regulated under RCW 88.46.160 or section 1 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 88.46 RCW to read as follows:

If the director believes a person has violated or is violating or creates a substantial potential to violate the provisions of any rules adopted under this chapter, the director may institute such actions as authorized under RCW 88.46.070 (2) and (3).

**NEW SECTION. Sec. 4.** A new section is added to chapter 88.46 RCW to read as follows:

The department shall by rule adopt procedures to determine the adequacy of contingency plans approved under RCW 88.46.060. The rules shall require random practice drills without prior notice that will test the adequacy of the responding entities. The rules may provide for unannounced practice drills of individual contingency plans. The department shall review and publish a report on the drills, including an assessment of response time and available equipment and personnel compared to those listed in the contingency plans relying on the responding entities, and requirements, if any, for changes in the plans or their implementation. The department may require additional drills and changes in arrangements for implementing approved plans which are necessary to ensure their effective implementation.

**NEW SECTION. Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senators Rockefeller and Morton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Substitute Senate Bill No. 6244.

The motion by Senator Rockefeller carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "response;" strike the remainder of the title and insert "and adding new sections to chapter 88.46 RCW."

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 6244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6244.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6244 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Benson, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen,

Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 40

Absent: Senators Berkey, Haugen and McAuliffe - 3

Excused: Senators Benton, Brandland, Deccio, Finkbeiner, Hargrove and Pflug - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 6244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

Senator McAuliffe: I would like the Journal to reflect that I support Engrossed Substitute Senate Bill No. 6244 regarding oil spill prevention. I inadvertently missed the vote on the bill while working on other legislation; I would have voted "Yes" on final passage of the bill.

SENATOR MCAULIFFE, 1st Legislative District

#### STATEMENT FOR THE JOURNAL

Senator Berkey: I missed the roll call on the final passage of Engrossed Substitute Senate Bill No. 6244 regarding oil spill prevention because I was involved in consultation about other legislation. I would like the Journal to reflect that I support this legislation and would have voted "Yes" on final passage of Engrossed Substitute Senate Bill No. 6244.

SENATOR BERKEY 38th Legislative District

#### MOTION

On motion of Senator Oke, Senator Morton was excused.

#### SECOND READING

SENATE BILL NO. 6106, by Senator Brandland

Requiring disclosure of specified health care information for law enforcement purposes.

#### MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6106 was substituted for Senate Bill No. 6106 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Keiser moved that the following striking amendment by Senator Brandland be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The purpose of this act is to aid law enforcement in combating crime through the rapid identification of all persons who require medical treatment as a result of a criminal act and to assist in the rapid identification of human remains.

**Sec. 2.** RCW 70.02.010 and 2005 c 468 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

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(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(4) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

~~((4))~~ (5) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

~~((5))~~ (6) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

~~((6))~~ (7) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

~~((7))~~ (8) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset and fund-raising for the benefit of the health care provider, health care facility, or third-party payor.

~~((8))~~ (9) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

~~((9))~~ (10) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

~~((10))~~ (11) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

~~((11))~~ (12) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

~~((12))~~ (13) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

~~((13))~~ (14) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint

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venture, government, governmental subdivision or agency, or any other legal or commercial entity.

~~((14))~~ (15) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

~~((15))~~ (16) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan; or a state or federal health benefit program.

~~((16))~~ (17) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

**Sec. 3.** RCW 70.02.050 and 2005 c 468 s 4 are each amended to read as follows:

(1) A health care provider or health care facility may disclose health care information about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider or facility reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, actuarial services to, or other health care operations for or on behalf of the health care provider or health care facility; or for assisting the health care provider or health care facility in the delivery of health care and the health care provider or health care facility reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any other health care provider or health care facility reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(d) To any person if the health care provider or health care facility reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider or facility to so disclose;

(e) To immediate family members of the patient, or any other individual with whom the patient is known to have a close personal relationship, if made in accordance with good medical or other professional practice, unless the patient has instructed the health care provider or health care facility in writing not to make the disclosure;

(f) To a health care provider or health care facility who is the successor in interest to the health care provider or health care facility maintaining the health care information;

(g) For use in a research project that an institutional review board has determined:

(i) Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;

(ii) Is impracticable without the use or disclosure of the health care information in individually identifiable form;

(iii) Contains reasonable safeguards to protect the information from redisclosure;

(iv) Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and

(v) Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project;

(h) To a person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(i) To an official of a penal or other custodial institution in which the patient is detained;

(j) To provide directory information, unless the patient has instructed the health care provider or health care facility not to make the disclosure;

(k) To fire, police, sheriff, or another public authority, that brought, or caused to be brought, the patient to the health care facility or health care provider if the disclosure is limited to the patient's name, residence, sex, age, occupation, condition, diagnosis, estimated or actual discharge date, or extent and location of injuries as determined by a physician, and whether the patient was conscious when admitted;

(l) To federal, state, or local law enforcement authorities and the health care provider, health care facility, or third-party payor believes in good faith that the health care information disclosed constitutes evidence of criminal conduct that occurred on the premises of the health care provider, health care facility, or third-party payor;

(m) To another health care provider, health care facility, or third-party payor for the health care operations of the health care provider, health care facility, or third-party payor that receives the information, if each entity has or had a relationship with the patient who is the subject of the health care information being requested, the health care information pertains to such relationship, and the disclosure is for the purposes described in RCW 70.02.010~~((7))~~ (8) (a) and (b); or

(n) For payment.

(2) A health care provider shall disclose health care information about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws; or when needed to protect the public health;

(b) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(c) To federal, state, or local law enforcement authorities, upon receipt of a written or oral request, in any cases in which the patient is being treated or has been treated for a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm, or an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person, or any other injury, including blunt force injury, that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act, the following information, if known:

(i) The name of the patient;

(ii) The patient's residence;

(iii) The patient's sex;

(iv) The patient's age;

(v) The patient's condition;

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(vi) The patient's diagnosis, or extent and location of injuries as determined by a health care provider;

(vii) Whether the patient was conscious when admitted;

(viii) The name of the health care provider making the determination in (c)(v), (vi), and (vii) of this subsection;

(ix) Whether the patient has been transferred to another facility; and

(x) The patient's discharge time and date;

(d) To county coroners and medical examiners for the investigations of deaths;

~~((+))~~ (e) Pursuant to compulsory process in accordance with RCW 70.02.060.

(3) All state or local agencies obtaining patient health care information pursuant to this section shall adopt rules establishing their record acquisition, retention, and security policies that are consistent with this chapter.

**Sec. 4.** RCW 68.50.320 and 2001 c 223 s 1 are each amended to read as follows:

When a person reported missing has not been found within thirty days of the report, the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority initiating and conducting the investigation for the missing person shall ask the missing person's family or next of kin to give written consent to contact the dentist or dentists of the missing person and request the person's dental records.

The missing person's dentist or dentists shall provide diagnostic quality copies of the missing person's dental records or original dental records to the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority, when presented with the written consent from the missing person's family or next of kin or with a statement from the sheriff, chief of police, county coroner or county medical examiner, or other law enforcement authority that the missing person's family or next of kin could not be located in the exercise of due diligence or that the missing person's family or next of kin refuse to consent to the release of the missing person's dental records and there is reason to believe that the missing person's family or next of kin may have been involved in the missing person's disappearance.

When a person reported missing has not been found within thirty days, the sheriff, chief of police, or other law enforcement authority initiating and conducting the investigation for the missing person shall confer with the county coroner or medical examiner prior to the preparation of a missing person's report. After conferring with the coroner or medical examiner, the sheriff, chief of police, or other law enforcement authority shall submit a missing person's report and the dental records received under this section to the dental identification system of the state patrol identification, child abuse, vulnerable adult abuse, and criminal history section on forms supplied by the state patrol for such purpose.

When a person reported missing has been found, the sheriff, chief of police, coroner or medical examiner, or other law enforcement authority shall report such information to the state patrol.

The dental identification system shall maintain a file of information regarding persons reported to it as missing. The file shall contain the information referred to in this section and such other information as the state patrol finds relevant to assist in the location of a missing person.

The files of the dental identification system shall, upon request, be made available to law enforcement agencies attempting to locate missing persons.

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Keiser spoke in favor of adoption of the striking amendment.

MOTION

Senator Esser moved that the following amendment by Senator Esser to the striking amendment be adopted.

On page 10, line 32 of the bill, strike all of section 5.

On page 11, line 3 of the title amendment, after "68.50.320;", strike the remainder of the title and insert "and creating a new section."

Senator Esser spoke in favor of adoption of the amendment to the striking amendment.

Senator Kline spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 10, line 32 to the striking amendment to Substitute Senate Bill No. 6106.

The motion by Senator Esser failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brandland to Substitute Senate Bill No. 6106.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 70.02.010, 70.02.050, and 68.50.320; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6106.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6106 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benson, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Excused: Senators Benton, Brandland, Deccio, Finkbeiner, Hargrove and Pflug - 6

ENGROSSED SUBSTITUTE SENATE BILL NO. 6106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:40 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:45 a.m. by President Owen.

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SENATE BILL NO. 6247, by Senators Haugen and Benson

Providing uniform administration of locally imposed motor vehicle excise taxes.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6247 was substituted for Senate Bill No. 6247 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Schoesler, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6247.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6247 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SUBSTITUTE SENATE BILL NO. 6247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6248, by Senators Haugen, Benson, Shin and Sheldon

Requiring the department of transportation to reimburse drainage and diking districts for maintenance and repairs to drainage facilities if the department does not respond to written notice by the districts.

The measure was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6248.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6248 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SENATE BILL NO. 6248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6162, by Senator Haugen

Harmonizing and updating various aspects of the urban arterial program.

The measure was read the second time.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6162 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6162.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6162 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SENATE BILL NO. 6162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

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On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

#### SECOND READING

SENATE BILL NO. 6528, by Senators Mulliken, Kastama, Benson, Oke, Esser, Berkey and Sheldon

Permitting roadside tire chain businesses.

#### MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 6528 was substituted for Senate Bill No. 6528 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 6528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6528.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6528 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SUBSTITUTE SENATE BILL NO. 6528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6545, by Senators Sheldon, Esser, Benson and Haugen

Removing the minimum height requirement for the attachment of vehicle license plates.

The measure was read the second time.

#### MOTION

On motion of Senator Sheldon, the rules were suspended, Senate Bill No. 6545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6545.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6545 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SENATE BILL NO. 6545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6549, by Senators Benson, Jacobsen, Mulliken and Berkey

Modifying commercial vehicle provisions.

The measure was read the second time.

#### MOTION

On motion of Senator Benson, the rules were suspended, Senate Bill No. 6549 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6549.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6549 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SENATE BILL NO. 6549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6566, by Senators Eide, Esser, Swecker, Haugen, Prentice and McAuliffe

Revising commute trip reduction provisions.

#### MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6566 was substituted for Senate Bill No. 6566 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Haugen moved that the following amendment by Senator Haugen be adopted.

On page 3, line 6, after "(10)", strike all material through "act." on line 13, and insert the following:

"(a) "Affected urban growth area" means:

(i) An urban growth area, designated pursuant to RCW 36.70A.110, containing a state highway segment that exceeds the one hundred person hours of delay threshold calculated by the department of transportation, and any contiguous urban growth areas; and

(ii) An urban growth area, designated pursuant to RCW 36.70A.110, containing a jurisdiction with a population over seventy thousand that adopted a commute trip reduction ordinance before the year 2000, and any contiguous urban growth areas.

(b) Affected urban growth areas must be listed by the department of transportation in the rules for this act using the criteria identified in subsection (a) of this section."

On page 9, after line 3, insert the following:

"(12) If an affected urban growth area has not previously implemented a commute trip reduction program and the state has funded solutions to state highway deficiencies to address the area's exceeding the person hours of delay threshold, the affected urban growth area shall be exempt from the duties of this section for a period not exceeding two years."

Senator Haugen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 3, line 6 to Substitute Senate Bill No. 6566.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 6566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6566.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6566 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner

and Pflug - 5

ENGROSSED SUBSTITUTE SENATE BILL NO. 6566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6794, by Senators Haugen, Esser, Jacobsen, Mulliken and Spanel

Concerning collective bargaining by state ferry employees.

#### MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6794 was substituted for Senate Bill No. 6794 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6794 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6794.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6794 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SUBSTITUTE SENATE BILL NO. 6794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6785, by Senators Jacobsen, Swecker, Haugen and Benson

Modifying the administration of fuel taxes.

#### MOTION

On motion of Senator Jacobsen, Substitute Senate Bill No. 6785 was substituted for Senate Bill No. 6785 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Swecker moved that the following amendment by Senator Swecker be adopted.

On page 9, at the beginning of line 20, strike everything through line 31, and insert:

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"(6) At the election of the distributor, the payment of an amount equivalent to the fuel tax (~~of the motor vehicle fuel owed on motor vehicle fuel tax owed on motor vehicle fuel purchased from a supplier~~) shall be remitted to the supplier on the terms agreed upon between the distributor and supplier or no later than seven business days before the twenty sixth day of the following month. This election shall be subject to a condition that the distributor's remittances of all amounts (~~of motor vehicle fuel tax~~) due to the supplier shall be paid by electronic funds transfer. The distributor's election may be terminated by the supplier if the distributor does not make timely payments to the supplier as required by this section. This section shall not apply if the distributor is required by the supplier to pay cash or cash equivalent for motor vehicle fuel purchases."

Senator Swecker spoke in favor of adoption of the amendment.

Senators Haugen and Benson spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 9, line 20 to Substitute Senate Bill No. 6758.

The motion by Senator Swecker failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Swecker spoke in favor of passage of the bill.

Senator Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6785.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6785 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Fraser, Haugen, Hewitt, Jacobsen, Kastama, Keiser, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Schmidt, Schoesler, Shin, Spanel, Stevens, Swecker and Weinstein - 30

Voting nay: Senators Esser, Fairley, Franklin, Hargrove, Honeyford, Johnson, Kline, Kohl-Welles, McCaslin, Prentice, Rockefeller, Sheldon, Thibaudeau and Zarelli - 14

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner and Pflug - 5

SUBSTITUTE SENATE BILL NO. 6785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Esser moved adoption of the following resolution:

SENATE RESOLUTION

By Senator Esser

WHEREAS, Colorectal cancer is the second leading cause of cancer deaths in men and women in the United States; and

WHEREAS, In the United States alone, over 145,000 people are diagnosed with and over 55,000 people die of colorectal cancer every year; and

WHEREAS, It is estimated that in Washington State, 3,000 people are diagnosed with and 1,000 people will die every year of colorectal cancer; and

WHEREAS, Colorectal cancer affects people regardless of age, race, or sex. Nine out of ten diagnoses will occur in people aged 50 and older. Men are slightly more likely to be diagnosed with colorectal cancer than women. Also, African-Americans are 10% more likely to be diagnosed with colorectal cancer than Caucasians and 30% more likely to die of the disease; and

WHEREAS, Despite its high incidence, colorectal cancer is one of the most detectable and, if found early, most treatable forms of cancer. Ninety percent of those diagnosed early, while the cancer is still localized, survive more than five years. Sadly, only 37% of all colorectal cancers are detected early enough for survival to occur. When the cancer is diagnosed at a more advanced stage, having spread to surrounding areas, the five-year survival rate drops from 90% to 65%. When diagnosed at an advanced stage, having spread to distant organs, the five-year survival rate is only 9%; and

WHEREAS, Early detection is the best defense against this devastating, but preventable disease. Over half of all colon cancer deaths in the United States can be prevented by early screening. Yet, a majority of Americans are not being screened early enough to catch the cancer while it is still localized. In a recent survey, the Centers for Disease Control found that only 40% of all Americans reported having used the most inferior of screening methods and just 42% reported having used a more advanced screening. This compares to 85% of all women who had been screened for breast cancer; and

WHEREAS, There are many factors that contribute to such low screening rates: A lack of public awareness and education about the prevention and treatment of colorectal cancer, negative attitudes towards screening procedures, and the absence of symptoms; and

WHEREAS, On November 19, 1999, the United States Senate designated March as National Colorectal Cancer Awareness Month and on October 3, 2000, the United States House of Representatives passed House Concurrent Resolution 133, legislation that recognizes the impact of colorectal cancer and urges action to be taken;

NOW, THEREFORE, BE IT RESOLVED, That for March, Colorectal Cancer Awareness Month, the Washington State Senate urge Washingtonians to become more educated of the risks facing them regarding this disease and actively fight it by getting regular screenings for colorectal cancer; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the American Cancer Society.

Senator Esser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8704.

The motion by Senator Esser carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced the friends and family of Harry Rodene who were seated in the gallery.

MOTION

At 11:58 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

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AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by President Owen.

## MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

## SECOND READING

SENATE BILL NO. 6800, by Senators Haugen, Jacobsen and Rockefeller

Refining the roles of the transportation commission and department of transportation.

## MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6800 was substituted for Senate Bill No. 6800 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Benson be adopted.

On page 32, after line 7, remove sections 43 and 44

Re-number the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Benson on page 32, line 7 to Substitute Senate Bill No. 6800.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 8 of the title, after "47.17.132," insert "and"

On page 1, line 9 of the title, after "47.24.010", strike ", 47.64.011, and 47.64.170"

## MOTION

On motion of Senator Schoesler, Senators Stevens, McCaslin and Oke were excused.

## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

## MOTION

On motion of Senator Regala, Senators Doumit, Brown and Kline were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6800.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6800 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Benson, Benton, Berkey, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Excused: Senators Brandland, Brown, Deccio, Delvin, Finkbeiner, Kline, McCaslin, Oke, Pflug and Stevens - 10

ENGROSSED SUBSTITUTE SENATE BILL NO. 6800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6762, by Senators Mulliken, Benson, Schoesler and Sheldon

Limiting the posting of hazards to motorcycles to paved roadways.

The measure was read the second time.

## MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 6762 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6762.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6762 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SENATE BILL NO. 6762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

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SENATE BILL NO. 6552, by Senators Benson, Haugen, Mulliken, Berkey and Sheldon

Modifying commercial driver's license provisions.

#### MOTIONS

On motion of Senator Benson, Substitute Senate Bill No. 6552 was substituted for Senate Bill No. 6552 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benson, the rules were suspended, Substitute Senate Bill No. 6552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6552.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6552 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SUBSTITUTE SENATE BILL NO. 6552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6839, by Senator Haugen

Modifying transportation accounts and revenue distributions.

#### MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6839 was substituted for Senate Bill No. 6839 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen and Finkbeiner be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.68.035 and 2005 c 314 s 205 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085(~~(the license fee under RCW 46.16.086, and the farm vehicle trip permit under RCW 46.16.162))~~) shall be forwarded

to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder and the proceeds from the license fee under RCW 46.16.086 and the farm vehicle trip permit under RCW 46.16.162 shall be distributed as follows:

(a) (~~(24.00)~~) 22.36 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) (~~(1.8)~~) 1.375 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund;

(c) (~~(6.38)~~) 5.237 percent shall be deposited into the transportation 2003 account (nickel account); (~~and~~)

(d) (~~On July 1, 2006, six million dollars shall be deposited into the freight mobility investment account created in RCW 46.68.300 and beginning on July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account created in RCW 46.68.300;~~) 11.533 percent shall be deposited into the transportation partnership account created in RCW 46.68.290; and

(e) The remaining proceeds shall be deposited into the motor vehicle fund.

**Sec. 2.** RCW 46.16.086 and 2005 c 314 s 203 are each amended to read as follows:

In lieu of the license tab fees provided in RCW 46.16.0621, private use single-axle trailers of two thousand pounds scale weight or less may be licensed upon the payment of a license fee in the sum of fifteen dollars, but only if the trailer is operated upon public highways. The license fee must be collected annually for each registration year or fraction of a registration year. This reduced license fee applies only to trailers operated for personal use of the owners, and not trailers held for rental to the public or used in any commercial or business endeavor. The proceeds from the fees collected under this section shall be distributed in accordance with RCW 46.68.035(2).

**Sec. 3.** RCW 46.16.162 and 2005 c 314 s 206 are each amended to read as follows:

(1) The owner of a farm vehicle licensed under RCW 46.16.090 purchasing a monthly license under RCW 46.16.135 may, as an alternative to the first partial month of the license registration, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(2) If a monthly license previously issued has expired, the owner of a farm vehicle may, as an alternative to purchasing a full monthly license, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(3) Each farm vehicle trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for the vehicle for the period remaining in the first month of monthly license, commencing with the day of first use. No more than four such permits may be used for any one vehicle in any twelve-month period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The farm vehicle trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

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(4) Vehicles operating under authority of farm vehicle trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(5) Farm vehicle trip permits may be obtained from the department of licensing or agents and subagents appointed by the department. The fee for each farm vehicle trip permit is six dollars and twenty-five cents. Farm vehicle trip permits sold by the department's agents or subagents are subject to fees specified in RCW 46.01.140 (4)(a), (5)(b), or (6).

(6) The proceeds from farm vehicle trip permits received by the director shall be forwarded to the state treasurer to be distributed as provided in RCW 46.68.035(2).

(7) No exchange, credits, or refunds may be given for farm vehicle trip permits after they have been purchased.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

**Sec. 4.** RCW 46.68.135 and 2005 c 314 s 111 are each amended to read as follows:

~~((Beginning))~~ By July 1, ((2007)) 2006, and each year thereafter, the state treasurer shall transfer ((five)) two and one-half million dollars from the multimodal account to the transportation infrastructure account created under RCW 82.44.190. The funds must be distributed for rail capital improvements only.

**Sec. 5.** RCW 46.68.290 and 2005 c 314 s 104 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

~~(2) ((If a regional transportation plan has not been adopted by January 2007, the legislature intends to reprioritize allocation of funding for the projects identified on the 2005 transportation partnership project list so that complete and functioning transportation projects can be constructed in a reasonable time.~~

~~(3) By January 1, 2006, the transportation performance audit board must develop performance measures and benchmarks for the evaluation of the expenditures of the transportation partnership account. The board must also develop an audit plan and schedule for audits of the performance of the department of transportation's delivery of the plan as defined by project list, schedule, and budget enacted by the legislature.~~

~~((4))~~ The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

~~((5))~~ (3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for

transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

~~((6))~~ (4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

~~((7))~~ (5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

~~((8))~~ (6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

~~((9))~~ (7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit

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report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

~~((+))~~ (8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the transportation performance audit board, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

~~((+))~~ (9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

~~((+))~~ (10) For the period from July 1, 2005, until June 30, 2007, the amount of ~~\$(4,000,000)~~ 2,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections ~~((+))~~ (2) through ~~((+))~~ (9) of this section.

~~((+))~~ When appointing the citizen members with performance measurement expertise to the transportation performance audit board, the governor shall appoint the state auditor, or his or her designee.

~~((+))~~ (11) If the state auditor's financial audit of a transportation-related agency implies that a performance audit is warranted, the transportation performance audit board shall include in its annual work plan the performance audit recommended by the state auditor.

**NEW SECTION. Sec. 6.** A new section is added to chapter 46.68 RCW to read as follows:

(1) On July 1, 2006, and by each July 1st thereafter, the state treasurer shall transfer from the transportation partnership account created in RCW 46.68.290:

(a) One million dollars to the small city pavement and sidewalk account created in RCW 47.26.340;

(b) Two and one-half million dollars to the transportation improvement account created in RCW 47.26.084; and

(c) One and one-half million dollars to the county arterial preservation account created in RCW 46.68.090(2)(i).

(2) On July 1, 2006, the state treasurer shall transfer six million dollars from the transportation partnership account created in RCW 46.68.290 into the freight mobility investment account created in RCW 46.68.300 and by July 1, 2007, and by every July 1st thereafter, three million dollars shall be deposited into the freight mobility investment account.

**NEW SECTION. Sec. 7.** A new section is added to chapter 46.68 RCW to read as follows:

The freight mobility multimodal account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects identified in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

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**NEW SECTION. Sec. 8.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The regional mobility grant program account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.030.

(2) Beginning with September 2007, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account five million dollars.

(3) Beginning with September 2015, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account six million two hundred fifty thousand dollars.

**Sec. 9.** RCW 46.17.010 and 2005 c 314 s 201 are each amended to read as follows:

(1) There shall be paid and collected annually for motor vehicles subject to the fee under RCW 46.16.0621, except motor homes, a vehicle weight fee. The amount of the fee shall be based upon the vehicle scale weight, which is correlated with vehicle size and roadway lane usage. Fees imposed under this section must be used for transportation purposes, and shall not be used for the general support of state government. The vehicle weight fee shall be that portion of the fee as reflected on the scale weight set forth in schedule B provided in RCW 46.16.070 that is in excess of the fee imposed under RCW 46.16.0621. This fee is due at the time of initial and renewal of vehicle registration.

(2) If the resultant weight according to this section is not listed in schedule B provided in RCW 46.16.070, it shall be increased to the next higher weight pursuant to chapter 46.44 RCW.

(3) For the purpose of administering this section, the department shall rely on the vehicle empty scale weights as provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each vehicle. The department shall adopt rules for determining weight for vehicles without manufacturer empty scale weights.

(4) The vehicle weight fee under this section is imposed to provide funds to mitigate the impact of vehicle loads on the state roads and highways and is separate and distinct from other vehicle license fees. Proceeds from the fee may be used for transportation purposes, or for facilities and activities that reduce the number of vehicles or load weights on the state roads and highways.

(5) The vehicle weight fee collected under this section shall be deposited as follows:

(a) On July 1, 2006, six million dollars shall be deposited into the freight mobility ~~(investment)~~ multimodal account created in ~~(RCW 46.68.300)~~ section 7 of this act, and the remainder collected from ~~(January 1, 2006)~~ the effective date of this section, through June 30, 2006, shall be deposited into the multimodal transportation account;

(b) Beginning July 1, 2007, and every July 1st thereafter, three million dollars shall be deposited into the freight mobility ~~(investment)~~ multimodal account created in ~~(RCW 46.68.300)~~ section 7 of this act, and the remainder shall be deposited into the multimodal transportation account.

**Sec. 10.** RCW 43.84.092 and 2005 c 514 s 1105, 2005 c 353 s 3, 2005 c 339 s 22, 2005 c 314 s 109, 2005 c 312 s 7, and 2005 c 94 s 1 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The

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treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant

program account, the regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 11.** RCW 43.84.092 and 2005 c 514 s 1106, 2005 c 353 s 4, 2005 c 339 s 23, 2005 c 314 s 110, 2005 c 312 s 8, and 2005 c 94 s 2 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter

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43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the

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regional transportation investment district account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 12.** Section 10 of this act expires July 1, 2006.

NEW SECTION. **Sec. 13.** Section 11 of this act takes effect July 1, 2006.

NEW SECTION. **Sec. 14.** Section 1 of this act applies to license fees due on or after July 1, 2006."

Senator Haugen spoke in favor of adoption of the striking amendment.

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Senator Benson spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Finkbeiner to Engrossed Substitute Senate Bill No. 6839.

The motion by Senator Haugen carried and the striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "distributions;" strike the remainder of the title and insert "amending RCW 46.68.035, 46.16.086, 46.16.162, 46.68.135, 46.68.290, and 46.17.010; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 46.68 RCW; creating a new section; providing an effective date; and providing an expiration date."

## MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6839 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

Senators Mulliken and Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6839.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6839 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 15; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26

Voting nay: Senators Benson, Benton, Carrell, Esser, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Roach, Schmidt, Schoesler, Swecker and Zarelli - 15

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

ENGROSSED SUBSTITUTE SENATE BILL NO. 6839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6853, by Senators Haugen and Benson

Modifying phase three procurement provisions for design-build ferries. Revised for 1st Substitute: Modifying vessel procurement provisions for design-build ferries.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6853 was substituted for Senate Bill No. 6853 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6853.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6853 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 9; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Berkey, Brown, Doumit, Eide, Fairley, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 32

Voting nay: Senators Benton, Carrell, Esser, Franklin, Honeyford, Kastama, Regala, Roach and Zarelli - 9

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SUBSTITUTE SENATE BILL NO. 6853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6596, by Senators Kline, Johnson, Weinstein and Esser

Revising the dissolution of Washington corporations.

The measure was read the second time.

## MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6596.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6596 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson,

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Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SENATE BILL NO. 6596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6531, by Senators Weinstein, Fraser and Kline

Preserving remedies when limited liability companies dissolve.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6531.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6531 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 41

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SENATE BILL NO. 6531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6670, by Senators Shin, Delvin, Fraser, Hargrove and Johnson

Changing court filing fee provisions.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6670 was substituted for Senate Bill No. 6670 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6670 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6670.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6670 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 4; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Voting nay: Senators Benson, Benton, Carrell and Schoesler - 4

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

SUBSTITUTE SENATE BILL NO. 6670, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6480, by Senators Kohl-Welles, Haugen, Brown and Keiser

Eliminating the department of transportation's exemption from the public works apprenticeship utilization requirements. Revised for 2nd Substitute: Modifying public works apprenticeship utilization requirements.

MOTION

On motion of Senator Haugen, Second Substitute Senate Bill No. 6480 was substituted for Senate Bill No. 6480 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mulliken moved that the following striking amendment by Senator Mulliken and Haugen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.04.300 and 2005 c 3 s 1 are each amended to read as follows:

A well-trained construction trades work force is critical to the ability of the state of Washington to construct public works. Studies of the state's work force highlight population trends that, without a concerted effort to offset them, will lead to an inadequate supply of skilled workers in the construction industry. State government regularly constructs public works. The efficient and economical construction of public works projects will be harmed if there is not an ample supply of trained construction workers. Apprenticeship training programs are

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particularly effective in providing training and experience to individuals seeking to enter or advance in the work force. By providing for apprenticeship utilization on public works projects, state government can create opportunities for training and experience that will help assure that a trained work force will be available, including returning veterans, in sufficient numbers in the future for the construction of public works. Furthermore, the state of Washington hereby establishes its intent to assist returning veterans through programs such as the "helmets to hardhats" program, which is administered by the center for military recruitment, assessment, and veterans employment. It is the state's intent to assist returning veterans with apprenticeship placement career opportunities, in order to expedite the transition from military service to the construction work force.

**Sec. 2.** RCW 39.04.320 and 2005 c 3 s 3 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, from January 1, 2005, and thereafter, for all public works estimated to cost one million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(b)(i) This section does not apply to contracts advertised for bid before July 1, 2007, for any public works by the department of transportation.

(ii) For contracts advertised for bid on or after July 1, 2007, and before July 1, 2008, for all public works by the department of transportation estimated to cost five million dollars or more, all specifications shall require that no less than ten percent of the labor hours be performed by apprentices.

(iii) For contracts advertised for bid on or after July 1, 2008, and before July 1, 2009, for all public works by the department of transportation estimated to cost three million dollars or more, all specifications shall require that no less than twelve percent of the labor hours be performed by apprentices.

(iv) For contracts advertised for bid on or after July 1, 2009, for all public works by the department of transportation estimated to cost two million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(2) Awarding agency directors may adjust the requirements of this section for a specific project for the following reasons:

(a) The demonstrated lack of availability of apprentices in specific geographic areas;

(b) A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation;

(c) Participating contractors have demonstrated a good faith effort to comply with the requirements of ~~(chapter 3, Laws of 2005)~~ RCW 39.04.300 and 39.04.310 and this section; or

(d) Other criteria the awarding agency director deems appropriate, which are subject to review by the office of the governor.

(3) The secretary of the department of transportation shall adjust the requirements of this section for a specific project for the following reasons:

(a) The demonstrated lack of availability of apprentices in specific geographic areas; or

(b) A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation.

(4) This section applies only to public works contracts awarded by the state. However, this section does not apply to contracts awarded by state four-year institutions of higher education(;) or state agencies headed by a separately elected public official(, or the department of transportation).

~~((4))~~ (5)(a) The department of general administration must provide information and technical assistance to affected agencies and collect the following data from affected agencies for each project covered by this section:

(i) The name of each apprentice and apprentice registration number;

(ii) The name of each project;

(iii) The dollar value of each project;

(iv) The date of the contractor's notice to proceed;

(v) The number of apprentices and labor hours worked by them, categorized by trade or craft;

(vi) The number of journey level workers and labor hours worked by them, categorized by trade or craft; and

(vii) The number, type, and rationale for the exceptions granted under subsection (2) of this section.

(b) The department of labor and industries shall assist the department of general administration in providing information and technical assistance.

~~((5))~~ (6) The secretary of transportation shall establish an apprenticeship utilization advisory committee, which shall include statewide geographic representation and consist of equal numbers of representatives of contractors and labor. The committee must include at least one member representing contractor businesses with less than thirty-five employees. The advisory committee shall meet regularly with the secretary of transportation to discuss implementation of this section by the department of transportation, including development of the process to be used to adjust the requirements of this section for a specific project. The committee shall provide a report to the legislature by January 1, 2008, on the effects of the apprentice labor requirement on transportation projects and on the availability of apprentice labor and programs statewide.

(7) At the request of the senate labor, commerce, research and development committee, the house of representatives commerce and labor committee, or their successor committees, and the governor, the department of general administration and the department of labor and industries shall compile and summarize the agency data and provide a joint report to both committees. The report shall include recommendations on modifications or improvements to the apprentice utilization program and information on skill shortages in each trade or craft.

**NEW SECTION. Sec. 3.** A new section is added to chapter 39.04 RCW to read as follows:

The Washington state apprenticeship and training council shall lead and coordinate an outreach effort to educate returning veterans about apprenticeship and career opportunities in the construction industry. The outreach effort shall include information about the "helmets to hardhats" program and other paths for making the transition from military service to the construction work force. The outreach effort shall be developed and coordinated with apprenticeship programs, other state agencies involved in work force training, and representatives of contractors and labor."

Senators Mulliken and Haugen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Mulliken and Haugen to Second Substitute Senate Bill No. 6480.

The motion by Senator Mulliken carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 39.04.300 and 39.04.320; and adding a new section to chapter 39.04 RCW."

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6480

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was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Haugen spoke in favor of passage of the bill.

Senators Zarelli, Sheldon and Benson spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6480.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6480 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 11; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Shin, Spanel, Swecker, Thibaudeau and Weinstein - 30

Voting nay: Senators Benson, Benton, Carrell, Esser, Hewitt, Honeyford, Johnson, Morton, Schoesler, Sheldon and Zarelli - 11

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug and Stevens - 8

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6433, by Senators Kastama, Jacobsen, Poulsen, Pridemore, Rockefeller, Shin, Haugen, Rasmussen, Keiser, Regala, Thibaudeau, Franklin, McAuliffe and Kohl-Welles

Establishing the emergency management, preparedness, and assistance account.

MOTION

On motion of Senator Doumit, Second Substitute Senate Bill No. 6433 was not substituted for Senate Bill No. 6433 and the second substitute bill was not adopted.

The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama, Roach and Benton be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that recent events, including the 9/11 terrorist acts, the tsunami in southeast Asia, Hurricanes Katrina and Rita in the gulf coast, outbreaks of avian flu, and the earthquake in Pakistan, have demonstrated the need for a coordinated, comprehensive all-hazards disaster plan involving citizens, industry, local governments, and the state. Washington state's topography, geography, location, and strategic and economic interests place the state at particular risk from both natural disasters and man-made disasters. In

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response, Washington state and its local governments have implemented nationally recognized all-hazards emergency management and disaster response plans. However, recent studies have revealed the lack of a secure funding source for resolving impediments to the ability of state and local programs to integrate and coordinate comprehensive disaster preparedness. In addition, local programs suffer disparities in funding and expertise, leaving troublesome gaps in a well-coordinated statewide all-hazards emergency management system.

Recognizing that all disasters are local disasters, the legislature therefore intends to strengthen state and local emergency response, mitigation, preparation, and coordination by establishing a stable source of funding with the intent that Washington state become the nationally recognized leader in emergency management. The funding will be dedicated to the development and coordination of state and local government emergency management programs by supporting joint training exercises, citizen and industry coordination with emergency management efforts, public education, and relationship building among local and state emergency management officials.

**NEW SECTION. Sec. 2.** The emergency management, preparedness, and assistance account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as provided in section 3 of this act.

**NEW SECTION. Sec. 3.** (1)(a) The department must use twenty percent of the funds appropriated from the emergency management, preparedness, and assistance account for the department's administration of this section, and to: Fund the assessment required by section 4 of this act; fund state agency activities, including military department activities, that develop and coordinate comprehensive emergency management plans; train elected and appointed state officials on state laws, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; administer periodic joint emergency management training exercises involving the military department and other state agencies; and implement state agency projects that will strengthen emergency response, mitigation, preparation, and coordination.

(b) The department must allocate eighty percent of the funds appropriated from the emergency management, preparedness, and assistance account for grants to regional agencies, local governments, tribal governments, regional incident management teams, and private organizations to: Develop and coordinate comprehensive emergency management plans; train elected and appointed officials on state laws, ordinances, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; administer periodic joint emergency management training exercises; and implement projects that will strengthen emergency response, mitigation, preparation, and coordination.

(2) Projects funded under this section must include, but need not be limited to, projects that will promote neighborhood level public education on disaster preparedness and recovery issues, situate all weather radios in public buildings, enhance coordination of public sector and private sector relief efforts, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan.

(3) Grant funding may also be used as seed money to establish a dedicated, full-time emergency management director in every county that does not have such a director as of the effective date of this section.

(4) The department must establish criteria and procedures for competitive allocation of these funds by rule. At a minimum, the rules must:

(a) Establish preferential funding for projects and exercises addressing needs and recommendations identified by the

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department in the assessment conducted under section 4 of this act;

(b) Specify a formula that establishes a base grant allocation and weighted factors for funds to be allocated over the base grant amount for regional agencies, local governments, tribal governments, regional incident management teams, and private organizations with existing emergency management and preparedness programs that are located in a part of the state where the risk of exposure to disasters is deemed by the department to be particularly acute;

(c) Specify match requirements; and

(d) Include requirements that, at a minimum, a local emergency management agency have: A comprehensive emergency management plan or be a member of a joint local organization for emergency management; and a local director who works at least forty hours a week in that capacity, or have designated by ordinance or resolution an emergency management coordinator who works at least fifteen hours a week in that capacity.

(5) No more than five percent of any award made under subsection (1)(b) of this section may be used for administrative expenses.

(6) The distribution formula provided in this section may be adjusted proportionally when necessary to meet any matching requirements imposed as a condition of receiving federal disaster relief assistance or planning funds.

(7) Local governments receiving funds under this section may not use the funds to supplant existing funding.

**NEW SECTION. Sec. 4.** Beginning in January 2008 and biennially thereafter, the department must conduct in conjunction with the emergency management council a strategic assessment of, and issue a report on, the ability of state, local, and tribal emergency management organizations to effectively provide for all phases of comprehensive emergency management. The assessment must:

(1) Evaluate state, local, and tribal emergency management capabilities and needs;

(2) Evaluate the ability of state, local, and tribal emergency management organizations to provide emergency management mitigation, preparedness, response, and recovery;

(3) Evaluate the effectiveness of the emergency management structure at the state, local, and tribal levels;

(4) Provide findings and make recommendations that increase the ability of state, local, and tribal emergency management organizations to meet current and future risks; and

(5) Detail where and for what purpose funds under section 3(1)(b) of this act have been distributed.

**NEW SECTION. Sec. 5.** The joint legislative audit and review committee must study and review the performance of programs implemented under this act. The committee must examine at least the following factors: The number and type of joint exercises conducted under section 3 of this act; the number of programs receiving grant money and the status of those programs; the coordination of comprehensive emergency management plans between state and local jurisdictions; the number of training programs administered; the number of comprehensive emergency management or safety plans created using funds distributed under section 3 of this act; and the number of emergency preparedness officials created and trained with funds distributed under this act. The committee must provide a final report on this review by December 2008. Funds from the emergency management, preparedness, and assistance account may be provided to the committee for the purposes of conducting the study.

**EW SECTION. Sec. 6.** The legislature shall establish an advisory committee to study issues related to the collection of an annual, per policy surcharge on homeowner's, mobile homeowner's, tenant homeowner's, condominium unit owner's and commercial fire, multiple peril, and business owner's property insurance policies to fund emergency management. The advisory committee will study if and how retaliatory tax

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provisions may be implicated, costs associated with collecting the fee, costs associated with allowing other insurance surcharges to be excluded from the premium calculation, and any other issues deemed relevant by the committee. The advisory committee, where appropriate, may consult with individuals from the public and private sector. The advisory committee shall report its findings and recommendations to the appropriate committees of the legislature by November 30, 2006.

**NEW SECTION. Sec. 7.** Sections 2 through 4 of this act are each added to chapter 38.52 RCW.

**NEW SECTION. Sec. 8.** Section 6 of this act expires January 1, 2007.

Senator Kastama spoke in favor of adoption of the striking amendment.

#### MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

On page 2, line 3 of the amendment, after "(1)(a)" strike "The" and insert "(i) Until June 30, 2008, the"

On page 2, line 5 of the amendment, after "for" insert "the purposes of (a)(ii) of this subsection. Beginning July 1, 2008, the department use ten percent of the funds appropriated from the emergency management, preparedness, and assistance account for the purposes of (a)(ii) of this subsection.

(ii) Funds appropriated under (a)(i) of this subsection must be used for"

On page 2, line 17 of the amendment, after "allocate" strike "eighty percent of the" and insert "the remaining"

Senators Benton and Roach spoke in favor of adoption of the amendment to the striking amendment.

Senators Kastama and Thibaudeau spoke against adoption of the amendment to the striking amendment.

#### MOTION

On motion of Senator Kohl-Welles, Senator Prentice was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 3 to the striking amendment to Senate Bill No. 6433.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama, Roach and Benton to Senate Bill No. 6433.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "account;" strike the remainder of the title and insert "adding new sections to chapter 38.52 RCW; creating new sections; and providing an expiration date."

#### MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Senate Bill No. 6433 was advanced to third reading,

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the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Schmidt was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6433.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6433 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 39

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, McCaslin, Oke, Pflug, Prentice, Schmidt and Stevens - 10

ENGROSSED SENATE BILL NO. 6433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brown, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5330 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5330, by Senators Shin, Rasmussen, Berkey, McAuliffe and Kohl-Welles

Creating the economic development grants program.

The measure was read the second time.

MOTION

Senator Brown moved that the following striking amendment by Senator Brown be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that state-supported economic development efforts, including work force training, technology transfer, tourism development, and industrial modernization, can make a significant difference in the health and diversification of the state's economy. There are

numerous federal and private economic development grant programs and research projects designed to increase the competitiveness of American firms and local work forces, for which state agencies and local consortiums are eligible to apply. There are also numerous opportunities to attract major regional, national, and international business, tourism, and sporting events to the state. State and local agencies in Washington have not maximized the opportunities available to receive federal and private funds to augment economic development efforts.

The legislature declares that it is the state's policy to maximize the use of federal and private funds for economic development purposes and to devote state resources to leverage federal and private dollars to supplement state economic development efforts. In furtherance of this policy, it is the purpose of section 2 of this act to authorize and fund a technical assistance and grant writing program within the department of community, trade, and economic development.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.330 RCW to read as follows:

The economic development grants program is created in the department to be staffed by at least one grant writer either on contract or on staff. Program staff shall:

(1) Regularly review the federal register for opportunities to apply for grants, research projects, and demonstration projects;

(2) Stay abreast of grant opportunities with private foundations and businesses;

(3) Assist local entities in attracting regional, national, and international business, tourism, and sporting events;

(4) Correspond and meet with federal officials, including those in the small business administration, the department of labor, the department of commerce, and the department of health and human services, as well as foundation and business officials, on the prospects for obtaining federal and private funds for economic development purposes in Washington state;

(5) Apprise the agency directors and division heads of the department of community, trade, and economic development, the employment security department, the department of agriculture, the Washington technology center, the Washington manufacturing service, and other state agencies as appropriate, of the opportunities for federal and private grant dollars for economic development projects;

(6) Assist state agencies in their grant-seeking efforts for economic development projects. Grant writing for and assistance in grant writing for projects sponsored or cosponsored by state agencies shall be the highest priority of the program's work;

(7) Write grant requests to further the state's economic development efforts;

(8) Facilitate joint efforts between agencies and between local consortiums and state agencies that will increase the likelihood of success in grant seeking and the attraction of major events; and

(9) Garner the political support necessary from federal, state, and local elected and appointed officials for success in grant seeking and the attraction of major events.

The department shall submit to the appropriate committees of the legislature an annual list of grant applications submitted, grant awards received, and the total amount of grant funds received during the year. The list shall be due by December 1st of each year.

**NEW SECTION. Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2006, in the omnibus appropriations act, this act is null and void."

Senators Brown and Shin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Brown to Senate Bill No. 5330.

The motion by Senator Brown carried and the striking amendment was adopted by voice vote.

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## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "grants" strike the remainder of the title and insert "and assistance; adding a new section to chapter 43.330 RCW; and creating new sections."

## MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Bill No. 5330 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

## MOTION

On motion of Senator Schoesler, Senators Honeyford, Mulliken and Johnson were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5330.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5330 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, Honeyford, McCaslin, Mulliken, Oke, Pflug, Prentice, Schmidt and Stevens - 12

ENGROSSED SENATE BILL NO. 5330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6830, by Senators Benton, Haugen, Benson, Oke, Deccio, Schmidt, Sheldon, Weinstein, Poulsen, Roach, Pridemore, Zarelli, McAuliffe, Carrell, Kohl-Welles, Rasmussen, Eide, Shin, Rockefeller, Delvin, Franklin and Johnson

Creating a "Support Our Troops" special license plate.

## MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6830 was substituted for Senate Bill No. 6830 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 6830 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6830.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6830 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 37

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, Honeyford, McCaslin, Mulliken, Oke, Pflug, Prentice, Schmidt and Stevens - 12

SUBSTITUTE SENATE BILL NO. 6830, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## MOTION

On motion of Senator Regala, Senator Haugen was excused.

## SECOND READING

SENATE BILL NO. 6417, by Senators Roach, Kline, Jacobsen, Esser, Weinstein, Thibaudeau, Benson, Rasmussen, Schmidt, Carrell, Morton, Deccio, Stevens, Mulliken, McCaslin, Hargrove and Delvin

Prohibiting sexual conduct or sexual contact with an animal. Revised for 1st Substitute: Changing provisions relating to animal cruelty.

## MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6417 was substituted for Senate Bill No. 6417 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6417 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6417.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6417 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 0; Absent, 0; Excused, 13.

Voting yea: Senators Benson, Benton, Berkey, Brown,

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Carrell, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Thibaudeau, Weinstein and Zarelli - 36

Excused: Senators Brandland, Deccio, Delvin, Finkbeiner, Haugen, Honeyford, McCaslin, Mulliken, Oke, Pflug, Prentice, Schmidt and Stevens - 13

SUBSTITUTE SENATE BILL NO. 6417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 2684,  
HOUSE BILL NO. 2687,  
SUBSTITUTE HOUSE BILL NO. 2688,  
SUBSTITUTE HOUSE BILL NO. 2689,  
HOUSE BILL NO. 2690,  
SUBSTITUTE HOUSE BILL NO. 2691,  
HOUSE BILL NO. 2932,  
SUBSTITUTE HOUSE BILL NO. 2933,  
SUBSTITUTE HOUSE BILL NO. 2934,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

MESSAGE FROM THE HOUSE

On motion of Senator Eide, the Senate reverted to the fourth order of business.

February 11, 2006

MESSAGE FROM THE HOUSE

February 10, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:  
SUBSTITUTE HOUSE BILL NO. 1523,  
THIRD SUBSTITUTE HOUSE BILL NO. 1815,  
HOUSE BILL NO. 2348,  
SUBSTITUTE HOUSE BILL NO. 2401,  
SUBSTITUTE HOUSE BILL NO. 2495,  
SECOND SUBSTITUTE HOUSE BILL NO. 2498,  
SUBSTITUTE HOUSE BILL NO. 2538,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,  
SUBSTITUTE HOUSE BILL NO. 2640,  
HOUSE BILL NO. 2644,  
SECOND SUBSTITUTE HOUSE BILL NO. 2645,  
HOUSE BILL NO. 2671,  
SUBSTITUTE HOUSE BILL NO. 2723,  
SUBSTITUTE HOUSE BILL NO. 2726,  
SUBSTITUTE HOUSE BILL NO. 2917,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 10, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,  
SUBSTITUTE HOUSE BILL NO. 2537,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2738,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:  
SUBSTITUTE HOUSE BILL NO. 2608,  
HOUSE BILL NO. 2681,  
HOUSE BILL NO. 2682,

MR. PRESIDENT:

The House has passed the following bill{s}:  
SUBSTITUTE HOUSE BILL NO. 3033,  
SUBSTITUTE HOUSE BILL NO. 3059,  
ENGROSSED HOUSE BILL NO. 3159,  
SUBSTITUTE HOUSE BILL NO. 3164,  
SUBSTITUTE HOUSE BILL NO. 3185,  
SUBSTITUTE HOUSE BILL NO. 3190,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3222,  
HOUSE JOINT RESOLUTION NO. 4223,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 11, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:  
SUBSTITUTE HOUSE BILL NO. 2407,  
HOUSE BILL NO. 2409,  
HOUSE BILL NO. 2580,  
SUBSTITUTE HOUSE BILL NO. 2590,  
SECOND SUBSTITUTE HOUSE BILL NO. 2799,  
SECOND SUBSTITUTE HOUSE BILL NO. 2805,  
SUBSTITUTE HOUSE BILL NO. 2846,  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 2939,  
SUBSTITUTE HOUSE BILL NO. 3024,  
HOUSE BILL NO. 3057,  
SUBSTITUTE HOUSE BILL NO. 3109,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 4:07 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Monday, February 13, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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6248		6785-S	
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6417		6794	
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6528-S		Second Reading Amendment .....	15
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6531		Second Reading .....	20
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6545		Third Reading Final Passage .....	20
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